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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,222

01/20/2006

Erol Ralph Tanir

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EXAMINER

MAI, HUY KIM

ART UNIT

PAPER NUMBER

2873

MAIL DATE

DELIVERY MODE

09/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/523,222	Applicant(s) TANIR ET AL.	
	Examiner Huy K. Mai	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119.

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All. b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) filed April 11, 2005 is acknowledged.

Claim Objections

2. Claims 1-23 are objected to because of the following informalities: The preliminary amendment amends the original claims 1-24. It appears that the limitations in claim 17 add to claim 1 and the original claims 18-24 have been renumbered to 17-23. The claims should not be renumbered (See 37 CFR 1.75©). It also appears that some claims are provided with improper status identifier such as claim 1, for example. The applicant should review the dependency in claims 7, 8, 17 and 19; otherwise, the phrase "the holes" (claim 7, line 7), "the aligned holes" (claim 8, lines 2-3), "the spigot" (claim 17, line 2) and "the hinge portion" (claim 19, line 2) have no antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 7-23/24 are rejected under 35 U.S.C. 102(b) as being anticipated by Blackstone (4,868,930).

The limitations in claims 1, 3, 7-23/24 are shown in Blackstones's Figs. 1-14, columns 4-8. Blackstone discloses a spectacle kit comprises a pair of lenses 12 made of flexible material joined by a nose bridge portion, and a pair of side arms 16, each lens having an outer upper

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portion 41A and an outer lower portion 43 said upper and lower portions being moveable toward one another so as to overlap and form a convex curved portion in each lens characterized by each side arm including a slot suitable for receiving and retaining the upper and lower portions of each lens.

Regarding the independent claim 23/24, Blackstone discloses a pair of spectacles 10 comprises a pair of lenses 12 made from flexible material and a pair of side arms 16, each lens having an upper arm (41, 41A) and a lower arm 43 disposed at its outer edge, said arms at each edge overlapping one another such that each lens is provided with a curved portion (see Fig. 1) characterized by each side arm including a slot suitable for receiving a corresponding end portion of the pair of flexible lenses (see Fig. 14).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackstone.

Blackstone discloses a spectacle kit comprises a pair of lenses 12 made of flexible material joined by a nose bridge portion, and a pair of side arms 16, each lens having an outer upper portion 41A and an outer lower portion 43 said upper and lower portions being moveable toward one another so as to overlap and form a convex curved portion in each lens characterized by each side arm including a slot suitable for receiving and retaining the upper and lower

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portions of each lens. However, Blackstone neither discuss printed matter provide on the spectacle nor mention the lens including apertures through which a wearer may see as claimed. It is commonly known in the art that a lens with holes through which a wearer may see and a printed matter providing on spectacle for decorating or advertising a product of a company. It would have been obvious at the time the invention was made to those having ordinary skill in the art to modify the Blackstone's spectacle kit by forming holes on the lens and providing printed matter on the spectacles as a common knowledge in the art for the purpose recognized in the art of Blackstone, as discussed above.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Mai whose telephone number is (571) 272-2334. The examiner can normally be reached on M-F (8:00 a.m.-4:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L. Mack can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1562.



Huy Mai
Primary Examiner
Art Unit 2873

HKM/
September 13, 2007